



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

APR 22 1993

Daniel Cooper
Southwest Environmental Project
468 Duboce Ave.
San Francisco, California 94117

Re: Freedom of Information Act Request RIN 9-900-93

Dear Mr. Cooper:

This is in response to your Freedom of Information Act request regarding the files on the Tri-City Landfill. Most of the documents subject to your request have already been made available to you for your review. However we are unable to provide you with documents, or portions of documents, which have been determined to be exempt from mandatory disclosure by virtue of 5 U.S.C. 552(b)(5). An itemized list by categories of the withheld material along with the basis for withholding is provided on the enclosure (Enclosure A) to this letter.

In addition, some of the documents have been claimed confidential and may contain trade secrets or commercial or financial information which is exempt from disclosure under 5 U.S.C. 552(b)(4). Pursuant to 40 C.F.R. 2.204(d)(1), your request for these documents is being initially denied because further inquiry by EPA is required before a final determination can be made. We will consult with the third party in connection with their business confidentiality claim covering these records and EPA's Office of Regional Counsel will issue a final confidentiality determination.

You may appeal this partial denial by submitting a written appeal to the Freedom of Information Officer (A-101), United States Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, within 30 days of receipt of this partial denial. Your appeal should refer to the RIN number listed above, the date of this determination, and my name, title and address (or the name, title and address of the person directing issuance of the partial denial).

ENTERED

Please contact Gerry Klug of my staff at 415-744-1904 or Allyn Stern, Assistant Regional Counsel, at 415-744-1376, should you have any questions concerning this matter.

Sincerely,

Catherine Kuhlmann
for Harry Seraydarian, Director
Water Management Division

Enclosure

Enclosure A

1. Memorandum from Deanna Wieman, Director, Office of External Affairs, to Daniel McGovern, Regional Administrator, dated January 29, 1992, 5 pages - one paragraph and notes redacted on page one. Redacted portions are pre-decisional opinions of the Director, Office of External Affairs and of the Director, Water Management Division with respect to enforcement decisions.
2. Typewritten Notes from Roccena Lawatch, Environmental Protection Specialist, 1 page. 2 copies, 1 with handwritten comments. This document contains pre-decisional opinions of the EPA staffperson concerning enforcement under the Clean Water Act.
3. 2 Draft letters to Senator John McCain from William Reilly, undated, 2 pages each. These documents contains pre-decisional opinions of the drafters concerning enforcement decisions.
4. Two typewritten notes from Alexis Strauss, Deputy Director, Water Management Division, one to Jeff Scott, Chief, Solid Waste Section, dated Jan. 6, 1993, 1 page, 2 copies/one with handwritten notes; one to James Vreeland, Environmental Engineer, dated March 13, 1993, 1 page. These documents contain pre-decisional discussions concerning EPA enforcement decisions.
5. Memorandum from Clyde Morris, Chief, Wetlands Permits and Enforcement Section to W-5, Permits and Compliance Branch, dated January 14, 1993, 1 page. This document contains pre-decisional opinions by Mr. Morris concerning enforcement decisions.
6. Handwritten notes from Ken Greenberg, Chief, NPDES Compliance Section, 2 pages, dated January 20, 1993, 1 page, dated February 4, 1993, 3 pages dated February 26, 1993, 2 pages dated March 5, 1993, 3 pages dated March 8, 1993. These documents contain notes from intra-agency and inter-agency meetings concerning enforcement decisions. These documents also contain attorney-client communications.
7. Memorandum from Alexis Strauss, Deputy Director, Water Management Division, to Senior Staff, dated January 15, 1993, 2 pages. This document contains pre-decisional opinions of the Deputy Director concerning enforcement actions.
8. Typewritten notes, 16 pages, undated, anonymous authors. These documents contain pre-decisional information used in intra-agency meetings and recommendations concerning EPA enforcement options.
9. Memorandum form Frank Gardner, Environmental Engineer, to Jim Vreeland, Environmental Engineer, dated March 22, 1993, 1 page. This document contains pre-decisional analysis of information necessary for enforcement decisions.

10. Three draft letters to Ivan Makil, President Salt River Pima-Maricopa Indian Community, from Harry Seraydarian, Director, Water Management Division, each letter is 2 pages and includes handwritten comments. These documents contain pre-decisional information concerning action to be taken at the Tri-City Landfill.

11. Handwritten notes by James Vreeland, 58 pages, These documents contain notes from intra-agency and inter-agency meetings concerning enforcement decisions. These documents also contain attorney-client communications.

12. Handwritten and typewritten notes by Allyn Stern, Assistant Regional Counsel, 12 pages. These documents contain attorney work product and attorney-client communications.